

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CT-3045-D

FLOYD VINCENT,

Plaintiff,

v.

ROBERT LEWIS, et al.,

Defendants.

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ORDER

Floyd Vincent (“Vincent”), a state inmate proceeding pro se, filed this action under 42 U.S.C. § 1983, alleging violations of his First Amendment rights and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq. [D.E. 1]. On September 26, 2012, the court reviewed Vincent’s complaint under 28 U.S.C. § 1915A and allowed the action to proceed [D.E. 8]. On June 24, 2013, the court denied defendants’ motion to dismiss and referred the case to Magistrate Judge James E. Gates for a scheduling order [D.E. 37]. On July 10, 2013, Magistrate Judge Gates issued a scheduling order [D.E. 38].

On October 22, 2013, defendants moved for summary judgment [D.E. 45]. Pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) (per curiam), the court notified Vincent about the motion for summary judgment, the consequences of failing to respond, and the response deadline [D.E. 48]. Vincent did not file any response in opposition to the motion, and the time within which to do so has expired. On January 14, 2014, Vincent was transferred to Pender Correctional Institution, and failed to inform the court of his new address. See Local Civil Rule 83.3.

On April 17, 2014, the court directed Vincent to show good cause on or before April 30 why this action should not be dismissed for failure to prosecute. On May 5, 2014, Vincent untimely

sought an extension of time to file his response [D.E. 51], which the clerk granted on May 6, 2014 [D.E. 52]. Vincent had until May 16, 2014, to file a response and failed to do so. The court DISMISSES the action without prejudice and DENIES AS MOOT defendants' motion for summary judgment [D.E. 45]. The clerk shall close the case.

SO ORDERED. This 18 day of May 2014.


JAMES C. DEVER III
Chief United States District Judge